

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

April 9, 2003

PART A

SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. **Workshop: SWRCB Request for Concept Proposals (RFCP) for Watershed Protection and Nonpoint Source Pollution Control Grants** *(Bruce Posthumus) (Attachment A-1)*

A workshop on the SWRCB RFCP will be held in the SDRWQCB office on April 11. The RFCP was released on March 19. Concept proposals are due May 9. The workshop will focus on the RFCP as it applies to the San Diego region. A copy of the workshop announcement is attached.

2. **Presentation at the California CUPA Forum 5th Annual Unified Program Conference** *(Barry S. Pulver)*

Barry Pulver of the Tank Site Mitigation and Cleanup (TSMC) Unit was an invited speaker at the California CUPA Forum 2003, 5th Annual Unified Program Conference in Santa Ana, California (February 4-6, 2003). The California CUPA Forum is a statewide organization of Certified Unified Program Agencies (CUPA). Barry was one of four speakers featured in the "Site Conceptual Model/Do No Harm" seminar. This seminar attracted over 200 attendees from the State Board, Regional Boards, and CUPAs from throughout the state. Barry presented a case study of a groundwater investigation he conducted in Guatay, California, a groundwater dependant community. This case was discussed to illustrate drilling and well construction methods that minimize the risk to uncontaminated portions of an aquifer, and how a Site Conceptual Model can be used to guide an investigation and to "do no harm" to unpolluted parts of an aquifer.

3. **Public Meeting for the Chollas Creek Total Maximum Daily Load (TMDL) for Metals** *(Jimmy Smith)*

On March 21, 2003 the Water Quality Standards Unit held a Public Workshop and California Environmental Quality Act (CEQA) Scoping Meeting on the Chollas Creek Metals TMDL. The purpose of the Public Workshop was to provide an update, answer questions and receive input from the public on the TMDL. The purpose of the CEQA Scoping Meeting was to receive comments on the scope of issues to be addressed in the "functionally equivalent" documents prepared pursuant to CEQA Section 21080.5 of the California Public Resources Code.

John Robertus, Deborah Jayne and Jimmy Smith made presentations and answered questions. Eight interested parties from the Cities of San Diego and La Mesa, the Sierra Club, the Port of San Diego, MEC Analytical, CNRSW Environmental and AMEC attended the meeting. Pertinent issues were raised and some good discussion was

generated. Staff proposed the prospect of creating an informal working group of interested parties and Regional Board staff.

Staff continues to revise drafts of the initial sections of the technical portion of the TMDL. The informal working group will most likely meet after revised versions of the drafts are released for public review.

4. Seminar for Hydrostatic Test and Potable Water Discharge Requirements (*Sabine Knedlik*)

On April 1, 2003, Water Resources Control Engineer Sabine Knedlik of the Industrial Compliance Unit conducted a presentation on the discharge requirements outlined in the general NPDES permits for hydrostatic test and potable water discharges (Order No. R9-2002-0020). The free seminar was sponsored by the City of Oceanside and was aimed at water purveyors, water districts, municipalities, and general contractors. The intent of this seminar was to raise the awareness of the possible impacts on the environment from discharges of hydrostatic test and/or potable water and to clarify the current regulations. The seminar was attended by approximately 90 people.

The presentation briefly described the Regional Boards authority to issue NPDES permits, the type of discharges covered, and the enrollment process. The presentation also included an overview of the pollutants of concern in hydrostatic test and potable water discharges and the monitoring and reporting requirements of the Order. Mr. Mo Lahsaiezadeh, City of Oceanside Clean Water Program Coordinator, followed with a presentation on Best Management Practices. The seminar ended with a question and answer session.

PART B

SIGNIFICANT REGIONAL WATER QUALITY ISSUES

1. Sanitary Sewer Overflows (SSO) (*Chiara Clemente, David Hanson, Bryan Ott, Victor Vasquez*) (*Attachment B-1*)

From March 1 through March 31, 2003, there were 36 sanitary sewer overflows (SSOs) from publicly-owned collection systems reported to the Regional Board office; 19 of these spills reached surface waters or storm drains, and seven resulted in closure of recreational waters. Of the total number of overflows from public systems, eight were 1,000 gallons or more.

Eight sewage overflows from private property were also reported from March 1 - 31; two were 1,000 gallons or more. Six of the private property spills reached surface waters or storm drains; none resulted in closure of recreational waters.

A total of 1.36 inches of rainfall were recorded at San Diego's Lindbergh Field for March 1 - 31, 2003. For comparison, in February 2003, 4.88 inches of rainfall were recorded, and 29 public SSOs were reported. In March 2002, 0.46 inches of rainfall were recorded and 36 public SSOs were reported.

Regional Board staff has updated the sewer overflow statistics for each sewer agency by fiscal year (FY) since FY 1998-99 in the attached table entitled "Sanitary Sewer Overflow Statistics." The annual report that was included in the agenda materials for the January Board meeting, titled "Public SSO Statistics Summary for FY 2001-02," is also attached. Staff will continue to improve the manner that SSO data is presented in the future in order to provide the Regional Board the most meaningful and insightful information.

Eleven Notices of Violation (NOV), two with a Request for Technical Report (RTR), were issued in March for recent significant overflows. The NOV's were issued to the following agencies for the events described below:

City of Encinitas

The City of Encinitas (City) notified this office of the following sanitary sewer overflows:

- A 48,000-gallon sanitary sewer overflow from the lift station at Moonlight State Beach on February 25, 2003. A report from the City's Public Works Department attributed the cause of the sanitary sewer overflow to incoming flows overwhelming the pumps during heavy rain. It is speculated that infiltration may have been a contributing factor to the overflow since all major sewer lines upstream of the pump station did not have any unusual flows. City crews were reportedly able to recover 40,800 gallons. The remaining 7,200 gallons of the overflow discharged to Cottonwood Creek, a tributary to the Pacific Ocean. Signs warning of contamination were posted. It is the understanding of the Regional Board that the duration of posting is contingent upon test results and County Department of Environmental Health recommendation. The City indicated that it would investigate sewer line infiltration during the next significant rain event. NOV No. R9-2003-0107 and RTR were issued for this overflow on March 10, 2003.
- A 29,000-gallon sanitary sewer overflow from the lift station at Moonlight State Beach on March 15, 2003. A report from the City's Public Works Department attributed the cause of the sanitary sewer overflow to incoming flows overwhelming the pumps during heavy rain. It is speculated that infiltration may have been a contributing factor to the overflow since all major sewer lines upstream of the pump station did not have any unusual flows. City crews were reportedly able to recover 16,400 gallons. The remaining 12,600 gallons of the overflow discharged to Cottonwood Creek, a tributary to the Pacific Ocean. Signs warning of contamination were posted. It is the understanding of the Regional Board that the duration of posting is contingent upon test results and County Department of Environmental Health recommendation. NOV No. R9-2003-0130 was issued for this overflow.
- An 875-gallon sanitary sewer overflow from a manhole on Lone Jack Road on March 17, 2003. A report from the City's Public Works Department attributed the cause of the sanitary sewer overflow to roots. City crews were unable to recover any of the overflow. The 875 gallons of sewage was reportedly discharged to a storm drain, which empties to Escondido Creek, a tributary to the Pacific Ocean. Although the

overflow did reach surface waters, the San Diego County Department of Environmental Health did not recommend any signs warning of contamination to be posted. It is the understanding of the Regional Board that the City has put this section of sewer-line on their quarterly trouble spot list, and thus it will be cleaned every 3 months. NOV No. R9-2003-0131 was issued for this overflow.

City of Escondido

The City of Escondido (City) notified this office of a 450-gallon sanitary sewer overflow from sewer manhole #2115 located at 2080 Encino Drive that occurred on February 25, 2003. A report from the City's Public Works Department attributed the cause of the sanitary sewer overflow to a rock that caused the 8-inch main sewer line to backup, resulting in the discharge. City crews were unable to recover any of the overflow, which subsequently was discharged to a storm drain, leading to Dead Horse Creek, a tributary to Lake Hodges. NOV No. R9-2003-0106 was issued for this overflow on March 10, 2003.

City of Laguna Beach

The City of Laguna Beach (City) notified this office of the following sanitary sewer overflows:

- A 500-gallon sanitary sewer overflow from its wastewater collection system that occurred on January 17, 2003 at the 2200 block of Temple Hills Drive. The City reported the cause of the overflow as a sewer line root blockage. The City reported that the overflow entered a storm drain tributary to the Pacific Ocean although most of the overflow volume was recovered prior to discharge to the ocean. The overflow resulted in the closure of recreational waters at Bluebird Canyon Beach to prevent public contact with waters that may have been impacted.
- A 4,000-gallon sanitary sewer overflow from its wastewater collection system that occurred on January 26, 2003 at the 1460 Temple Terrace. The City reported the cause of the overflow as a sewer line root blockage. The City reported that the overflow flowed into Bluebird Park, which was subsequently closed off to prevent public use of the park.
- A 450-gallon sanitary sewer overflow from its wastewater collection system that occurred on February 2, 2003 at the 600 block of South Coast Highway. The City reported the cause of the overflow as a sewer line blockage due to rocks and debris. The City reported that the overflow entered a storm drain tributary to the Pacific Ocean. The overflow resulted in the closure of recreational waters at Sleepy Hollow Beach to prevent public contact with waters that may have been impacted.

South Coast Water District

The South Coast Water District (District) notified this office of a 1,000-gallon sanitary sewer overflow from its wastewater collection system that occurred on January 14, 2003 at 31104 Pacific Coast Highway. The District reported the cause of the overflow as a pump station failure resulting from a power surge and controller failures at the station. The District reported that the overflow entered Aliso Creek and the Pacific Ocean. The

overflow resulted in the closure of recreational waters at Aliso County Beach in Laguna Beach to prevent public contact with affected waters.

Fallbrook Public Utility District

The Fallbrook Public Utility District (District) notified this office of a 450-gallon sanitary sewer overflow from its wastewater collection system that occurred on February 26, 2003 in the 500 block of Ammunition Road in Fallbrook. The District reported the cause of the overflow as a sewer line blockage due to grease. The District reported that the overflow entered Fallbrook Creek, tributary to Lake O'Neal, the Santa Margarita River, and the Pacific Ocean. The overflow resulted in the posting of warning signs along Fallbrook Creek to prevent public contact with affected waters.

Dana Light Homeowners Association

The South Coast Water District (District) notified this office of a 2,700-gallon sanitary sewer overflow that occurred on February 8, 2003 at 24097 Vista Corona in Dana Point from the wastewater collection system within private property maintained or operated by the Dana Light Homeowners Association (HOA). The responsible party is the HOA. The District determined that the cause of the sanitary sewer overflow was a sewer line blockage due to debris. The report from the District and a report from the County of Orange Health Care Agency indicated that the overflow entered a storm drain tributary to Salt Creek and the Pacific Ocean. The overflow resulted in the closure of ocean recreational waters adjacent to Monarch Beach and Salt Creek County Beach in Dana Point to prevent public contact with affected waters.

Eastern Municipal Water District

The Eastern Municipal Water District (District) notified this office of a sanitary sewer overflow that started March 3, 2003, upstream of Via Lobo and Deer Meadow Road, and resulted in a discharge of 34,750 gallons (~18,500 gallons reportedly recovered) of sewage to a storm drain that drains directly to Santa Gertrudis Creek, tributary to Murrieta Creek. The subject overflow caused the Riverside County Health Department to require posting of the receiving waters for five days. NOV No. R9-2003-01210 and RTR were issued for this overflow.

2. Clean Water Act Section 401 Water Quality Certification Actions Taken in March 2003 *(Stacey Baczkowski)*

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	CERTIFICATION ACTION ¹
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3/2/03	JRMC Real Estate	Escondido Research and Technology Center	The proposed project involves the development of a maximum 1.2 million square foot business park and a 550-megawatt power generating facility on 186 acres. Also included is a public access major roadway, which provides access to the site.	Conditional
3/3/03	City of Oceanside	Oak Riparian Park Channel Sediment Removal and Footbridge Project	The overall project consists of removal of deposited sediment and repair of a floodwater control dam in Calavera Creek.	Conditional
3/7/03	Vicar Ventures, L.L.C.	High Meadow Ranch Project	Installation of roads, an equestrian trail, a sewer system, and a storm drain system within the Wildcat Canyon area.	Denial
3/10/03	Valerie Sherrif, Michael Aulert	Single Family Housing Parcel 3 & 4 of PM 10511	The project consists of a residential development, within the DeLuz Hydrologic Area (HA), of two small parcels for a single-family residence each. This includes the grading of a pad and a driveway crossing the stream to access Calle Corto.	Standard
3/11/03	EPAC Development	Mountain Gate	159-unit residential development on a 694-acre project site within the Escondido Creek HA.	Conditional
3/17/03	Pacific Properties	Summit at Carlsbad	Develop 11.3 acres of the approximately 21-acre property into 143 apartment units contained in thirteen buildings, an associated 305 parking spaces, additional recreation space and buildings.	Conditional
3/17/03	Rilington Communities	Higgins Property	Develop 10.7 acres of the approximately 21-acre property into a single-family residential housing subdivision within the San Marcos HA.	Conditional
3/17/03	City of Escondido	City of Escondido Sewer Outfall Protection Project	Placement of 24-inch A-Jacks at location 1, 2 & 136 totaling 6.3 cubic yards of fill.	Conditional

3/18/03	City of Temecula	Rancho California Road Bridge Widening Project	Widening the Rancho California Road bridge over Murrieta Creek. The bridge would be widened by approximately 35 feet on the south side and 15 feet on the north side. The area of disturbance during construction would extend no more than 50 feet from the edge of the proposed bridge deck on either side.	Conditional
3/19/03	Olivenhain Municipal Water District	OMWD Gano Reservoir and Unit X Pipeline Project	This project is composed of two elements: a potable water storage reservoir (a partially buried tank with control vault) and the transmission pipeline.	Conditional
3/19/03	Marriott Hotel & Marina	Marriott Hotel & Marina Seawall Repair	Repair of a 1,490-foot long by 8.5-foot high portion of steel sheetpile seawall within San Diego Bay.	Conditional
3/19/03	Olivenhain Municipal Water District	OMWD Santa Fe Valley Pipeline Extension	The OMWD pipeline extension would connect a recently completed force main with an 18-inch pipeline for potable water.	Conditional

1 Standard certification is issued to projects that have minimal potential to adversely impact water quality. Conditional certification is issued to projects that have the potential to adversely impact water quality, but by complying with technical conditions, will have minimal impacts. Denials are issued when the projects will adversely impact water quality and suitable mitigation measures are not possible. Time expired refers to projects that may proceed due to the lack of an action by the Regional Board within specified regulatory timelines.

Public notification of pending 401 Water Quality Certification applications can be found on our web site at http://www.swrcb.ca.gov/rwqcb9/Programs/Special_Programs/401_Certification/401_certification.html.

3. San Juan Creek Watershed Bacteria Study (*Jeremy Haas*)

On March 6, 2003 staff received the Final Report from the County of Orange for the San Juan Creek Watershed Bacteria Study, funded per SWRCB contract no. 9-182-190-0. The three objectives of the contract were to survey concentrations of bacteria in the watershed, determine the sources of bacteria at problem areas, and compare two laboratory techniques of source identification. The watershed survey was conducted from April to June 2001, followed by additional testing at select sites from September to December 2001 and revealed that elevated bacteria levels were ubiquitous in storm drains and creeks. Bacteria concentrations were markedly higher at the sites near Coast Highway as compared to further upstream. The ocean water samples were relatively clear

of bacteria when a sand berm separated the ocean from the creek. Following breach of the berm by stormflows, ocean water samples exhibited elevated bacteria levels. Currently the ocean and lower 1 mile of San Juan Creek are on the Section 303(d) list of impaired waterbody segments.

For the source identification phase, a local library of *Enterococcus* and *E.coli* bacteria samples was developed from local dogs, cats, horses, seagulls, humans and sewage sources. This study was unique because unlike prior bacteria source tracking studies, the Orange County Public Health Laboratory sought to test the accuracy and reproducibility of two source identification techniques prior to planned source identification. The accuracy and reproducibility of both the Antibiotic Resistance Analysis and Ribotyping techniques was so poor that it was determined neither would be useful for accurately classifying *E. coli* and *Enterococcus* samples at this time. As a result, the source identification phase was not conducted for fear of producing unreliable results. The local library of known isolates can be used in future studies. The authors conclude that until an accurate source tracking technique is found, source identification studies should rely on detailed watershed and subwatershed surveys using conventional techniques.

4. Status of the Orange County Municipal Storm Water Permit (Order No. R9-2002-0001) (Dave Gibson)

Seven petitions were filed with the State Board requesting a review of Order No. R9-2002-0001. At the request of the petitioners, the State Board has been holding six of the petitions [1465, 1465 (a), (b), (d), (e) and (f)] in abeyance. In addition, the State Board is now holding the Mission Viejo Petition [1465 (c)] in abeyance at the Petitioner's request. Since the petitions may be held in abeyance for as long as two additional years, the Regional Board has requested that the State Board re-consider the matter of the stay requests that it granted in August 2002.

On July 26, 2002 the complete Administrative Record and Response memo of the Regional Board was submitted to the State Board. The documents submitted in opposition to the stay requests and the appeal by Mission Viejo were posted on the Regional Board website starting on July 29, 2002. It should also be noted that the State Board recently dismissed the petitions for review filed on the Los Angeles Municipal Storm Water Permit.

The Orange County Copermittees submitted their Jurisdictional Urban Runoff Management Plans (referred to as Local Implementation Plans) and the revised Drainage Area Management Plan on February 13, 2003. This submittal included the Standard Urban Storm Water Mitigation Plans (SUSMPs) and the certification of legal authority. The Watershed Urban Runoff Management Plans must be submitted prior to August 13, 2003.

5. San Diego Municipal Storm Water Permit Update (Phil Hammer)

Significant time has been spent reviewing documents recently submitted by the Copermittees describing their urban runoff programs and activities. The reviews are

designed to assess the progress of the Copermittees' programs and activities, while also determining the Copermittees' compliance with the San Diego Municipal Storm Water Permit.

The review of the Watershed Urban Runoff Management Plans (WURMPs) has been completed. The WURMPs are plans designed to identify, prioritize, and address the principal urban runoff issues in each of the major watersheds within San Diego County. The documents are essentially a first step in the process of addressing urban runoff water quality problems on a watershed basis. As such, all Copermittees have been provided with a single comment letter regarding the review of the WURMPs. The comment letter, dated March 10, 2003, provides guidance to the Copermittees on expectations for the future evolution and implementation of the WURMPs.

Each Copermittee's Annual Compliance Report is currently being reviewed. These reports contain descriptions of all urban runoff management activities conducted by each Copermittee during the previous year. Upon completion of review of the Annual Compliance Reports, each Copermittee will receive written comments on the findings of the review.

6. Meeting with Riverside County MS4 Permittees (*Megan Fisher*)

On March 19, 2003, Mike McCann, Bob Morris, Megan Fisher and David Gibson met with the representatives of the County of Riverside, Riverside County Flood Control and Water Conservation District, the City of Murrieta, and the City of Temecula. The meeting was requested by the Permittees primarily to discuss a Notice of Violation (NOV) that we issued in November 2002 for alleged violations by the Permittees of the MS4 storm water permit and for their failure to adequately respond to a CWC Section 13267 directive for submittal of technical information.

Based upon review of the 2001 and 2002 annual reports and subsequent discussions with the Permittees, the Regional Board alleged in the NOV that the Permittees failed to develop a prioritized list of industrial and commercial facilities as required by Appendix 1, Part D and failed to implement a monitoring program as specified by Requirement No. 26 of NPDES Permit No.CAS 0108766. In addition, staff alleged that the Permittees failed to submit technical information specified in a 13267 letter that would address deficiencies in the Permittees' monitoring program.

Counsel for Riverside County FC&WCD contested the Regional Board's allegations and requested retraction of the NOV. Bob Morris dismissed his arguments for the retraction, but indicated that he would not recommend the issuance of an Administrative Civil Liability Complaint for these violations. Megan Fisher urged the Permittees to focus on improving the MS4 program in the Santa Margarita Watershed through the development and implementation of the new MS4 permit that is now scheduled for Regional Board consideration in December 2003. The Permittees were advised to work cooperatively with the Regional Board to facilitate the permit process rather than wasting resources contesting the NOV. Riverside County FC&WCD stated that they would defer their

decision until after they receive a written assessment from the Regional Board on their response to the NOV. Prior to the meeting, Megan Fisher had sent the Permittees an e-mail message stating that their NOV response did not correct the violations cited in the NOV. At the meeting, the Cities of Murrieta and Temecula submitted their respective lists for facilities within their jurisdictions, and the County indicated that they would submit a similar prioritized list by March 26, 2003.

In addition to the discussion regarding the NOV, Dave Gibson reviewed a 13225 directive recently issued requiring the Permittees to initiate bioassessment monitoring in the Santa Margarita Watershed. He emphasized the relevance of this monitoring for assessing the effectiveness of their urban runoff programs. The Permittees had several questions, but expressed no serious objection to these new requirements and have budgeted money to monitor the four required stations beginning next fiscal year.

It was agreed to have regular monthly meetings to discuss issues related to the new permit. Improvements to the overall monitoring program will be the topic of the next meeting scheduled for April 23, 2003.

7. Mission Valley Terminal Status of Compliance (*Kelly Dorsey*)

The Mission Valley Terminal leak detection system was put to the test March 20th when one of the under tank leak detection cables triggered an alarm indicating a release had occurred. The tank operator, Kinder Morgan Energy Partners, investigated the alarm and found that a leak had occurred from a tank water draw pipeline which runs along the side of one of the tanks (the water draw pipelines are used to remove water from the petroleum tank). The pipeline problem was fixed and the soil was sampled to ensure recovery of the petroleum-contaminated soil. Water draw pipelines have been a recent concern to Regional Board staff because of the quality of the pipeline construction and the fact that the pipelines carry both pure petroleum and water with high concentrations of dissolved phase petroleum constituents. Because the water draw pipelines primarily transport water from the tanks, they were not covered under the Regional Board's 2001 order for leak detection (pursuant to the Aboveground Petroleum Storage Act). However, Regional Board staff are currently drafting an order to require a technical report on the water draw pipelines and associated systems at the facility to determine whether or not releases from these systems threaten water quality.

8. Proposed Development of Rancho Mission Viejo Area in Southern Orange County (*Jeremy Haas*)

On February 24, 2003 the County of Orange released a Notice of Preparation of an Environmental Impact Report (EIR) for development of unincorporated lands owned by Rancho Mission Viejo. The project area encompasses 22,850 acres and is a significant undeveloped area of southern Orange County that borders Camp Pendleton, Cleveland National Forest, and several cities in Orange County. The proposed EIR is for the General Plan amendment, Zone Change and related land use approvals requested by Rancho Mission Viejo. As proposed by Rancho Mission Viejo, the project would result in the development of up to 14,000 dwelling units over 30 years. Other development

would include 130 acres of urban activity center uses, 258 acres of business park uses, and 39 acres of neighborhood retail uses. Open space activity and recreation development would include up to four golf courses, a proposed 1,079-acre regional park, and an approximately 13,161-acre open space area (a 420-acre portion of which would include up to 100 home sites, a private golf course, and equestrian facilities). Ranching would also be retained within a portion of the open space area.

A separate EIR is currently being prepared by the U.S. Fish and Wildlife Service, California Department of Fish and Game, and County of Orange for the Southern Orange County Natural Community Conservation Planning program and Habitat Conservation Plan (NCCP/HCP). Another EIR is also being prepared by the U.S. Army Corps of Engineers and California Department of Fish and Game for the Special Area Management Plan / Master Streambed Alteration Agreement (SAMP/MSAA) for the San Juan Creek and San Mateo Creek watersheds. The County EIR may consider alternatives identified by the other EIR efforts.

Both the resource agencies and the Rancho Mission Viejo have sought Regional Board participation in the planning efforts. Because of resource limitations and the constraints on the use of program funding, the Regional Board has not been actively involved in the review of environmental documents for this project. Rancho Mission Viejo is expected to request an opportunity to present a report on their project to the Regional Board at a Board meeting in the near future.

9. Capistrano Beach Wetland Violation and Complaint (*Jeremy Haas*)

In January 2003, the State Water Resources Control Board forwarded a complaint to the Regional Board alleging unpermitted fill of a stream/wetland in the Capistrano Beach area of the City of Dana Point. The State Board also responded to an inquiry from Assemblymember Bates of the 73rd Assembly District. The Regional Board inspected the site on January 24, 2003 and contacted both the property owner and the City of Dana Point. Grading had been initiated for development of approximately 8 single-family homes on the 2-acre site. The U.S. Army Corps of Engineers determined that approximately 0.05 acres of waters of the U.S. were illegally filled and asked for 0.25 acres of mitigation. On February 14 the Regional Board issued a Notice of Violation to Pioneer Builders for failure to file a report of waste discharge and 401 Water Quality Certification application with the Regional Board prior the discharge of wastes/pollutants to waters of the United States/waters of the state. Since that time the responsible party has made inquiries to coastal cities regarding potential off-site mitigation locations. The responsible party has reported that they are withholding the Section 401 application until a viable mitigation plan has been developed. The application and the mitigation plan will be evaluated when received.

The Regional Board has also received complaints regarding construction-phase best management practices on the site. On January 28, 2003 the City of Dana Point issued a stop work order for lack of adequate BMPs. In January, the responsible party was notified that they must file a Notice of Intent (NOI) prior to March 10 for coverage under

the statewide general construction storm water permit. To date, an NOI has not been received. Following a Regional Board complaint inspection on March 24, 2003, the City and project representatives were notified that the BMPs appear inadequate to handle storm events.

10. Vail Lake, LLC/William P. Johnson - ACL Status (*Frank Melbourne*)

On March 27, 2003, the State Board dismissed William P. Johnson and Vail Lake, LLC's petition of Administrative Civil Liability (ACL) Order No. R9-2002-0027. The State Board concluded that the petition failed to raise substantial issues appropriate for review. The \$422,200 liability was assessed on February 13, 2002 by the Regional Board for violations of the State Board's General Construction Storm Water Permit.

11. Clean Beaches Initiative (CBI) Grant Program (*Deborah Woodward*)

The CBI Grant Program, administered by the SWRCB, provides grants to local agencies, non-profit organizations, and public agencies to implement projects that protect coastal water quality. The program's funding, \$46 million, was appropriated from Proposition 40 through the Watershed, Clean Beaches, and Water Quality Act (AB2534).

The SWRCB has developed a Draft Priority List of potential grant recipients after ranking approximately 250 proposals for projects statewide, and will soon release the list for public comment. The list will show the projects that the SWRCB considered most likely to satisfy the goals of the CBI program and, hence, most likely to receive grants.

Regional Boards have minimal participation in the CBI grant process. The Draft Priority List, however, was released to the Regional Boards for internal review on March 21, 2003. It appears that the highest ranked projects are for urban runoff treatment or diversion, constructed wetlands, and sewer upgrades, while the lowest ranked are for monitoring, land acquisition, habitat restoration, and public education. At least ten projects within the San Diego Region are highly ranked and, thus, potentially in line to receive grants during the first phase of funding. San Diego Region projects that could receive full grant funding include low flow diversions of urban runoff in Del Mar, Dana Point, and Laguna Beach; constructed wetlands in San Diego and Aliso Viejo; replacement of pipeline with a vegetated channel and storm drain filters in Encinitas; and a pigeon exclusion project located at Oceanside Pier. Projects that could receive partial grant funding include sewer upgrades proposed by the City of Carlsbad and the San Elijo Joint Powers Authority.

The SWRCB expects to release the Draft Priority List for public comment on April 4 (<http://www.swrcb.ca.gov/cwphome/beaches/index.html>) and adopt the list on May 21, 2003. Proponents for the most highly ranked projects will then be asked to submit complete information to verify that projects meet program requirements before final funding recommendations are made.

12. City of Carlsbad: Status of Compliance with San Diego County Municipal Storm Water Permit (*Christopher Means*)

Since the adoption of the San Diego Municipal Storm Water Permit, Order No. 2001-01, the City of Carlsbad has exhibited a reluctance to fully comply with the storm water requirements established by the Regional Board. Specifically, this is evident in the City's responses to Regional Board issues raised regarding the City's Best Management Practice (BMP) implementation at municipal facilities, their adoption and implementation of their local Standard Urban Storm Water Mitigation Plan (SUSMP), and their oversight of construction activities. A brief summary of non-compliance issues of concern follows:

BMP implementation at Municipal Facilities:

City of Carlsbad Corporate yards were inspected in May 2002 during the Tetra Tech MS4 Program Evaluations, and several potential permit violations were noted in the report. The Corporate yards were re-inspected by the Regional Board on October 29, 2002, and five months after the initial evaluation, many of the potential permit violations noted by Tetra Tech remained unresolved by the City. The Regional Board has not taken any formal enforcement action on these deficiencies due to the City staff assurances that these issues would be resolved.

Adoption and Implementation of Local SUSMP:

San Diego County Copermittees were required to submit their local SUSMPs to the Regional Board on December 9, 2002. The City of Carlsbad failed to adopt and submit a final Local SUSMP and, instead, provided the Regional Board with a draft SUSMP that was not consistent with the approved Model SUSMP. Carlsbad has the distinction of being the only San Diego Copermittee to fail to submit and adopt this required document. On January 31, 2003 the Regional Board issued the City of Carlsbad a Notice of Violation (NOV) and Request for Technical Report. The requested Technical Report required Carlsbad to submit as soon as possible: 1) an updated final local SUSMP and amended ordinances consistent with the approved Model SUSMP, 2) A report listing the number and types of priority projects the City has approved since December 9, 2002. To date, the City of Carlsbad has failed to respond to the NOV and Request for Technical Report.

Oversight of Construction Activity:

On March 5, 2003, the City of Carlsbad received a NOV and Request for Technical Report due the City's failure to prevent the repeated discharge of sediment to Agua Hedionda lagoon from a construction site being developed by Shea Homes. The site is located adjacent to the lagoon and has repeatedly discharged construction runoff directly into the lagoon. The lagoon is listed on the CWA 303(d) list for sediment/siltation impairment. The City of Carlsbad has failed to prohibit numerous discharges of sediment from the site, failed to require the implementation of additional BMPs to a site discharging directly to a 303(d) listed water body, and failed to reduce the discharge of pollutants to the maximum extent practicable.

13. Mr. Ernest Moretti Compliance/Cleanup Update, Santa Ysabel (Barry S. Pulver)

Mr. Moretti continues to comply with all requirements of Cleanup and Abatement Order No. 99-25 and Addenda 1, 2, and 3 for the cleanup of the Former Santa Ysabel Chevron

site. Most importantly, Mr. Moretti has begun operation of a vapor extraction system (VES) to cleanup soil at the site. The drought-induced lowered groundwater levels have exposed an historic maximum volume of gasoline contaminated soil that can be reached by the air flow of the VES. Thus, the VES is anticipated to be effective in removing gasoline from the subsurface that otherwise would leach into groundwater.

The Regional Board also is investigating other former and active service station and tank sites in Santa Ysabel to determine if the groundwater pollution underlying the town is emanating from additional sources. The goal of the Regional Board's efforts in Santa Ysabel is to restore beneficial uses to the underlying sole source aquifer, so that the San Diego County Department of Environmental Health can lift the moratorium on drilling new wells within Santa Ysabel.

14. Regional Board Responds to Fallbrook PUD Petition (*Frank Melbourn*)

On December 11, 2002, the Regional Board adopted Order No. R9-2002-0383, *Administrative Assessment of Civil Liability for Mandatory Minimum Penalties Against Fallbrook Public Utility District*, assessing a liability of \$87,000 for 31 effluent limit violations of Order No. R9-2000-0012, Fallbrook Public Utility District's (PUD's) Waste Discharge Requirements/NPDES Permit. The State Board subsequently accepted Fallbrook PUD's petition for review. On March 11, 2003, the Regional Board submitted to the State Board a written response to Fallbrook PUD's petition and the administrative record. The Regional Board will be updated when the State Board rules on the matter.

15. Onsite Sewage Disposal Systems (*Robert Morris*)

On March 13, 2003 Art Coe, Brian Kelley and Bob Morris met with Jack Miller and his staff from the Land and Water Quality Division of the County of San Diego Department of Environmental Health. The purpose of the meeting was to discuss the future role and responsibilities of the Regional Board and the County in regulating onsite sewage disposal systems. Onsite sewage systems include individual, community and alternative systems that use subsurface disposal. The County is closely tracking the drafting of statewide regulations for onsite systems that are being currently developed pursuant to Assembly Bill 885. They noted that stakeholders including the California Onsite Wastewater Association (COWA) have prepared an alternative to the Draft AB 885 Regulations prepared by the State Water Resource Control Board (SWRCB). COWA considers several points in the SWRCB Draft Regulations to be unacceptable to the industry and hopes to convince the SWRCB staff to accept or incorporate the results of their rewrite.

The major difference between the SWRCB draft and the stakeholder rewrite is that the stakeholder rewrite deleted those prescriptive standards that have been divisive at the stakeholder meetings. The rewrite was half the number of pages in the Draft Regulations.

The County stated that the most significant issue that the Regional Board and the County must consider with either the Draft State Board Regulations or the stakeholders rewrite would be a revision to the groundwater separation criteria. The Regional Board and the

County currently require a minimum of five feet of unsaturated soil between the bottom of the disposal system and historic high groundwater. The new SWRCB regulations would allow a reduction to three feet for sites where the soil design application rate is 0.4 gallons per square foot per day or less. The Stakeholders rewrite would reduce the separation criteria to three feet at all locations.

The County also discussed the status of their project to promulgate regulations for alternative onsite disposal systems, specifically systems that consist of onsite treatment and disposal by means of subsurface drip irrigation. These alternative systems are being promoted by the industry for sites that fail to have adequate soil depth for conventional systems. The County intends to develop a process for regulating the siting, design, construction, and operation of these alternative systems, which would include requirements for monitoring and reporting on the status of treatment and disposal facilities.

Finally, the County advised the Regional Board that it is considering lifting the septic moratorium that has been imposed since 1982 in the Citrus Avenue area of Escondido. In the late 1970s, the area experienced numerous septic system failures that were primarily due to shallow groundwater conditions. The purpose of the moratorium was to define the area within which future development would intensify the problem. The moratorium was supported by the Regional Board. The County recently completed a limited hydrogeologic study of the Citrus Avenue Watershed that supports their recommendation for conditionally lifting the moratorium. The study is currently under review and Regional Board comments will be submitted to the County in the near future.

16. Notice of Violation to Castillo & Sons for Failure to Pay Administrative Civil Liabilities (*Vicente Rodriguez*)

On March 24, 2003, the Executive Officer issued Notice of Violation No. R9-2003-0125, *Failure To Pay \$3,000 Civil Liability For Failure To Pay Annual Fees Payment*. On August 2, 2002, the Executive Officer issued Complaint No. R9-2002-0190 proposing assessing a liability of \$5,797 for violations of the California Water Code, which requires that each person for whom waste discharge requirements have been prescribed, shall pay an annual fee. The outstanding fees had totaled \$1,000. Castillo & Sons reached a settlement with the Regional Board and paid the outstanding \$1,000. As part of the settlement, the Regional Board issued an administrative civil liability (ACL) for \$3,000 in which Castillo & Sons agreed to pay by December 12, 2002. Unfortunately, Castillo & Sons has not paid the ACL. Since this payment is now over three months past due a Notice of Violation was issued to Castillo & Sons. If the ACL remains outstanding, an item will be placed on the May 14 Meeting agenda for the Regional Board to consider pursuing judicial collection by assigning this matter to the Attorney General of the State of California.

17. RCWD Discharge to Murrieta Creek (*Chiara Clemente*) (*Attachment B-17*)

On November 10, 2002, the United States Marine Corps Base Camp Pendleton (Base) filed a petition to appeal the adoption of NPDES Order No. R9-2002-0104 and Cease and

Desist Order (CDO) No. R9-2002-0212 as written, with the State Water Resources Control Board, Office of Chief Counsel (SWRCB/OCC File A-1530). On March 12, 2003, at the request of the Rancho California Water District, this Regional Board adopted Order No. R9-2003-055, which rescinded the subject NPDES permit and CDO.

On March 18, 2003, the SWRCB OCC issued a letter (attached) to the Base and all interested parties, notifying them that the Regional Board's adoption of Order No. R9-2003-055 renders their petition moot, and that, consequently, their petition has been dismissed.

18. Significant Enforcement Actions Taken During February 15 – March 15, 2003 *(Frank Melbourn and Mark Alpert)*

The Regional Board issued nine Storm Water Notice of Violations (NOVs) in response to significant violations in the period February 15 through March 15, 2003. This does not include four NOVs issued for Sanitary Sewer Overflows (SSOs) that are reported in a separate section of this report. In general, a significant increase in the implementation of Best Management Practices (BMPs) compared to previous years has been observed at most construction sites in the Region. Although substantial rainfall has occurred during February and March, the increased efforts by most developers have resulted in fewer observations by field inspectors of massive discharges of sediment and other construction related pollutants into receiving waters. Some credit for this overall reduction must be given to increased efforts by many municipalities, especially in San Diego County, to implement and enforce their local ordinances this year. Unfortunately, not all project developers were implementing effective control measures during this period. Below is a summary of the noteworthy Storm Water NOVs. The violations documented at these sites continue to be under review. The italicized name in parentheses is the Regional Board field inspector assigned to the site. The Regional Board will be updated on the status of these violations and enforcement actions.

Ashby USA LLC, Roripaugh Ranch: Temecula, Santa Margarita Watershed.
(Becker)

On March 21, 2003, the Regional Board inspected the 900-acre construction site and documented discharges of sediment, inadequate BMPs, and an inadequate Storm Water Pollution Prevention Plan (SWPPP). The Regional Board also determined that Ashby USA, LLC began grading operations without filing a Notice of Intent (NOI) to obtain coverage under the Statewide General Construction Storm Water Permit and without receiving a grading permit from the City of Temecula. The date construction activities began at the site has not yet been determined. On March 27, 2003, the Regional Board issued a NOV and an Order requiring the submittal of a technical report. The developer subsequently submitted an NOI to the State Board on March 17, 2003.

Caltrans, I-5/I-805 Widening Project: San Diego, Peñasquitos Watershed.
(Neill/Schwall)

The Regional Board found it necessary to inspect this site no less than nine times since construction began on March 26, 2002. Four separate days of sediment discharge to waters of the United States and 21 inadequate BMPs violations have been documented.

The site discharges to Los Peñasquitos Canyon Creek and Soledad Creek, and ultimately to Los Peñasquitos Lagoon (a Clean Water Act section 303(d) listed waterbody for sediment). The Regional Board issued three NOVs, the latest on March 3, 2003 and an Order requiring technical reports. These reports were timely received. In addition, the Regional Board has met with Caltrans to emphasize the requirement to attain compliance at the site.

Ryland Homes, Serenada: Temecula, Santa Margarita Watershed. *(Becker)*

On February 28, 2003, the Regional Board inspected the site and documented the discharge of sediment laden water into an unnamed tributary of Murrieta Creek and the failure to implement/maintain adequate BMPs. In addition, the developer began construction of the 80-acre residential housing development in September 2002 without filing a NOI to obtain coverage under the statewide General Construction Storm Water Permit. The Regional Board issued a NOV and an Order requiring the submittal of a technical report. On March 11, 2003, the developer subsequently submitted a NOI to the State Board.

Shea Homes, Kelly Ranch: Carlsbad. Site discharges directly to Agua Hedionda Lagoon, Carlsbad watershed. *(Means)*

The Regional Board inspected this 120-acre residential housing development six times since construction began in February 2002. Development is expected to continue until February 2004. Five separate days of sediment discharge to Agua Hedionda Lagoon, a Clean Water Act section 303 (d) sediment impaired water body, and six inadequate BMPs violations have been documented. The Regional Board issued two NOVs, the latest on February 28, 2003 and required two technical reports. In addition, the Regional Board issued a NOV to the City of Carlsbad, for their lack of reasonable oversight of this construction site in violation of the Municipal Storm Water permit.

Sycamore Estates II LLC, Montecito: San Diego, Peñasquitos Watershed. *(Tobler)*

This 278-acre residential housing development began in October 2002 and is expected to continue until September 2006. The Regional Board inspected the site on February 14, 2003 and documented the discharge of sediment, inadequate BMPs and an inadequate SWPPP. A NOV and an Order requiring the submittal of a technical report were issued on February 28, 2003. In addition, the Regional Board issued a NOV to the City of San Diego, for their lack of reasonable oversight of this construction site in violation of the Municipal Storm Water permit.

Taylor Woodrow Homes, Casitas: San Diego, Sweetwater Watershed. *(Quach)*

This 14-acre residential housing development began in March 2001 and is expected to continue until January 2004. The Regional Board inspected the site on February 24, 2003 and documented inadequate BMPs. In addition, the developer began construction without filing a NOI to obtain coverage under the statewide General Construction Storm Water Permit. A NOV and an Order requiring a technical report were issued on February 27, 2003. A NOI to comply with the General Construction Storm Water Permit was filed for the site on July 31, 2001, 134 days late.

Whispering Hills LLC, Whispering Hills Estates: San Juan Capistrano, San Juan Watershed. (Means)

This 190-acre residential housing development began in January 2003 and is expected to continue until June 2004. The Regional Board inspected the site on March 5, 2003, and documented the discharge of sediment and inadequate BMPs. A NOV and an Order requiring the submittal of a technical report were issued on March 11, 2003. The Regional Board will pay close attention to the development of this site due to the site's poor compliance record.

MUNICIPAL STORM WATER NOVS**City of San Diego, Municipal Storm Water Program: Peñasquitos Watershed.**

(Tobler)

The Regional Board issued a NOV to the City of San Diego for allowing the discharge of sediment laden storm water from a private construction site (Sycamore Estates II LLC, Montecito) to the storm water conveyance system in the City of Poway. The City of San Diego ultimately issued a stop work notice to the contractor.

City of Carlsbad, Municipal Storm Water Program: Carlsbad Watershed. (Means)

The Regional Board issued a NOV to the City of Carlsbad for failing to enforce their storm water ordinance and failing to implement their construction storm water program. The City of Carlsbad was repeatedly noticed by the Regional Board for the sediment discharges and inadequate BMPs at the Shea Homes, Kelly Ranch construction site.

19. Quarterly Violation & Enforcement Report, 4th Quarter 2002 (October 1 – December 31, 2002) (Mark Alpert) (Attachment B-19)

Attached is the quarterly enforcement report, prepared in accordance with the State Board's Enforcement Policy. The report entitled **Violations by Type** provides the detailed list of all the violations and the enforcement actions associated with those violations during the reporting period using data from the SWIM (System for Water Information Management) Compliance Module database. The full 131-page report can be viewed at the Regional Board web site at <http://www.swrcb.ca.gov/rwqcb9/>. A summary of the **462** violations and associated enforcement actions identified during the reporting period is attached as well as a list describing the acronyms used for violations and enforcement actions.

Violation by Type Report includes: a) the date of violation; b) identification whether the violation is considered to be a priority violation; c) the RWQCB response, if any; and d) the corrective action taken by the discharger.

In addition to this quarterly compliance report, Regional Board staff initiated enforcement actions in response to violations that occurred in periods prior to the current reporting period. These enforcement actions are listed in the report entitled "Enforcement Actions by Action" and are also posted on the web site.

The recording of violations and enforcement actions from several Regional Board programs are not included in the SWIM database. Enforcement information for the following programs are stored in a database referred to as Geotracker, which is also maintained by the State Board: Underground Tanks, Department of Defense, and SLIC (Spills, Leaks, Investigations, and Cleanup programs). In addition, there are water quality programs that have independent and unique databases that also record violations that are not routinely included in the SWIM database. These include the NOI database for Storm Water, delinquent annual fees database, and a new database to track sanitary sewage spills. While SWIM was intended to be the primary database for this agency, Geotracker has emerged as the preferred database for some programs. Unfortunately, no decision has yet been made on which database format should be used for the future. More information on Geotracker is provided on the State Board web site at <http://geotracker.swrcb.ca.gov>.

20. San Marcos Landfill – Closure (*Carol Tamaki and John Odermatt*)

On January 3, 2003, the Regional Board staff sent Tentative Order R9-2003-0003 to the County of San Diego Department of Public Works and a number of other known interested parties for the San Marcos Landfill. Tentative Order R9-2003-0003 would implement the State (California Code of Regulations Title 27) and Federal (Code of Federal Regulations Part 258) requirements for closure, post-closure maintenance and corrective actions. The San Marcos Landfill is subject to State and Federal closure, post-closure, and corrective action requirements. The Regional Board agenda included Item No. 11 for the Regional Board to consider adoption of revised waste discharge requirements (WDRs) for the San Marcos Landfill.

On February 26, 2003, the Regional Board received numerous written comments from the County of San Diego Department of Public Works (DPW) regarding tentative Order R9-2003-0003 (Closure, Post-Closure Maintenance and Monitoring requirements) for the San Marcos Landfill. As a result of these voluminous written comments, the Regional Board staff requested that Item No. 11 be removed from the agenda on March 6, 2003. On April 3, 2003, the Regional Board staff convened a meeting with the County of San Diego Department of Public Works (DPW) and State Water Resources Control Board (SWRCB) staff to discuss further development and refinement of closure and post-closure Waste Discharge Requirements (WDRs) for the San Marcos Landfill.

21. General Waste Discharge Requirements for Inactive Nonhazardous Waste Landfills (*Amy Fortin and John Odermatt*)

On March 12, 2003, the Regional Board considered the following agenda items:

10a. Tentative Order R9-2003-0001: “General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Nonhazardous Waste Landfills within the San Diego Region.”

10b. Tentative Order R9-2003-0002: “General Waste Discharge Requirements for Post-Closure Maintenance of Inactive Nonhazardous Waste Landfills Containing Insignificant Volumes of Decomposable Wastes within the San Diego Region.”

On February 26, 2003, the Regional Board received written comments input from the City of San Diego and the County of San Diego on these two items. During the meeting, the Regional Board also received verbal input from the City and County staff. The Regional Board decided to continue these items and directed the staff revise the tentative Orders to include "performance based" criteria for the landfill covers systems. The Regional Board staff plans to convene a meeting during May to further discuss these tentative Orders with the technical staff from the City and County of San Diego. The Regional Board staff will also discuss any proposed changes to the tentative Orders with our SWRCB OCC staff to determine if it is necessary to re-notice these tentative Orders to the public.

22. Prima Deshecha Landfill – Orange County (*Amy Fortin and John Odermatt*)

On March 20, 2003, the County of Orange submitted additional information to update their draft revised Report of Waste Discharge (ROWD included in a Joint Technical Document or JTD per CCR Title 27). The draft ROWD/JTD included proposed plans for the construction of a waste management unit adjacent to and over portions of the area containing a landslide stabilization project. The County's proposal would extend landfill operations into potentially unstable terrain (as defined in 40 CFR, Section 258.15 – Unstable areas, and referenced in 27 CCR, Section 20260 – Rapid geologic change) requiring additional assessment of slope stability issues and potential mitigation thereof. The Regional Board staff continue to work with the discharger and the SWRCB staff to resolve outstanding regulatory and geotechnical issues related to the location and construction of the proposed Phase B WMU.

23. Anza Landfill – Riverside County (*Amy Fortin and John Odermatt*)

The Anza Sanitary Landfill is a 50-acre facility located at 40329 Terwilliger Road in the City of Anza. The unit has an estimated capacity of 400,000 cubic yards with landfill operations occurring from 1955 until May 1999. After May 1999, the waste management unit stopped receiving waste and became an inactive facility. Currently, the landfill is an inactive, unlined facility with evidence of a release of waste constituents and the creation of a condition of groundwater pollution. The landfill is located over a fractured rock aquifer where groundwater is used to support municipal and domestic beneficial uses of drinking water. According to information provided by the County of Riverside, there may be over 100 wells, most being identified as having domestic uses, located within 1 mile of the Anza Landfill.

On February 10, 2003, they notified the County of Riverside that their Joint Technical Document/Report of Waste Discharge was complete for the closure, post-closure monitoring, and maintenance of the Anza Sanitary Landfill. The Anza Sanitary Landfill is subject to State (CCR Title 27) and Federal (40 CFR Part 258) closure, post-closure, and corrective action requirements. The Regional Board is preparing tentative waste discharge requirements (WDRs) for the Regional Board's consideration at a future meeting.

24. Omar Rendering Class I Landfill (*Brian McDaniel and John Odermatt*)

The former Omar Rendering facility is located at 4826 Otay Valley Road in the City of Chula Vista. The facility operated as a Class I liquid hazardous waste disposal site from 1959 to 1978. The Regional Board currently regulates monitoring and post-closure maintenance of an onsite "Class I cell" through waste discharge requirements (WDRs) issued by the Regional Board (Order 97-40). The former owner of the property, Darling International, Inc., is currently identified as the "discharger" in Order 97-40. The property was subsequently sold to Otay Mesa Ventures (affiliated with Landbank, Inc. a subsidiary of the Shaw Group).

On March 27, 2003, the Regional Board issued Cleanup and Abatement Order No. R9-2003-0080 to Otay Mesa Ventures II, L.L.C. for cleanup and abatement of conditions of pollution and/or nuisance associated with past discharges of wastes at the former Omar Rendering Site. The Regional Board is being asked to consider authorizing the Executive Officer to enter into a Site Remediation Agreement with the City of Chula Vista as Item No. 6 on today's agenda.

25. Ramona Landfill (*Carol Tamaki and John Odermatt*)

On March 27, 2003, the Regional Board staff met with representatives from San Diego Landfill Systems (a subsidiary of Allied Wastes Inc.) the "discharger" to discuss plans for expansion alternatives for waste management and disposal operations at the Ramona Landfill. The discharger is investigating possible expansion alternatives including: 1) closure of the currently operating waste cell and a vertical expansion of 20 feet above the footprint of the existing waste management units (WMUs) or 2) a lateral expansion into an 80-acre parcel located north of the existing WMUs.

Significant issues associated with these alternatives include the validity of an existing CEQA document, issued to the former owner (County of San Diego) in 1987, for the proposed expansion of the waste disposal operations into the northern area. In 1998, by letter the Regional Board notified San Diego Landfill Systems that it considered that CEQA document to be deficient and unacceptable. Other significant issues may be associated with the water quality aspects of riparian habitat area located in the proposed expansion footprint and the need for water quality certification under Section 401 of the Clean Water Act. It was decided to schedule a separate meeting in May 2003 to discuss the regulatory issues/concerns associated with the discharger's two potential expansion alternatives. The next meeting will include representatives from the discharger, the Solid Waste Local Enforcement Agency (LEA), the Regional Board Land Discharge Unit staff, and Regional Board staff with 401 certification and CEQA experience from the Southern Watershed Unit.

26. Former MCRD/NTC Landfill (*Brian McDaniel and John Odermatt*)

On March 26, 2003, the Regional Board staff met with Representatives of the San Diego Regional Airport Authority (SDRAA) regarding their construction plans for projects located within the boundaries of the former MCRD/NTC landfill. Current tentative plans include: 1) construction of a road and municipal storm drain system across the western

portion of the landfill and 2) clean closure of the central portion of the landfill with for the purpose of expanding the runway/tarmac operations at Lindbergh Field.

The SDRAA representatives also informed the Regional Board staff that the SDRAA will take over responsibility for post-closure monitoring and maintenance of the former MCRD/NTC landfill. The current discharger identified in Order 97-11 is the San Diego Unified Port District (Port). The Regional Board staff anticipates preparing an addendum to Order 97-11 for the purpose of naming the San Diego Regional Airport Authority as the designated responsible party (discharger) for post-closure monitoring and maintenance of the former MCRD/NTC landfill.

27. Environmental Health Coalition (EHC) Request for Regional Board Involvement in Pursuit of Annual Fees for Federal Facilities *(Mark Alpert)*

In a recent letter from EHC, Mr. Al Huang, Policy Advocate, advised the Regional Board of his opinion that the directive from the State Board to waive outstanding fees owed by federal agencies was not consistent with existing law. He also asserted this action is not consistent with the United States Supreme Court dismissal of the legal action brought by California against the United States as justification to avoid payment of annual fees. Mr. Huang encouraged the Regional Board to become extremely active in the fee discussion at the State Level and to strongly weigh in on the issue due to our region's extraordinarily large military presence. The Regional Board agrees with Mr. Huang's overall assessment that federal agencies, along with other public and private entities, should pay their share of the costs to oversee compliance with WDR and NPDES permits administered by the Regional Water Quality Control Boards.

In a response to EHC in a letter dated March 26, 2003, the Executive Officer reported that the Regional Board is doing all it can within its authority to ensure efficient and timely collection of annual fees from all regulated dischargers. The Regional Board has stepped up enforcement efforts by issuing notices of violations followed by the assessment of civil liability against non-fee payers. The result has been a significant decrease in the amount of delinquent fees. Unfortunately, these efforts have had no effect in persuading federal agencies to pay annual fees to the State.

PART C
STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

1. WIN (formerly SWIM) Database Update *(Bob Rossi, Shane Landry, and John Odermatt)*
(Attachment C-1)

On February 21, 2003, the Executive Director of the State Water Resources Control Board (SWRCB) sent a memorandum to all State and Regional Board employees regarding a decision to move to a GeoTracker based database system. A copy of the memorandum is attached.

2. Status of Initial Filing and Annual Fee Structure (*Art Coe*)

The water boards fee structure partially supports a group of programs collectively referred to as the "core regulatory" programs. These programs involve issuing permits or certifications, conducting compliance inspections, reviewing dischargers monitoring reports and initiating enforcement actions for activities resulting in discharges of wastes to surface or groundwaters of the state. Dischargers are assessed initial filing and annual fees, based on a variety of formulas used to determine the costs of regulating their respective discharges.

In Fiscal Year 2001-02 the board-wide funding allocation for the core regulatory programs was made up of 28 percent fees, 55 percent General Fund and 16 percent federal and other funds. As a result of language in the FY 2002-03 Budget Act, the State Board was required to eliminate approximately \$14 million in General Fund dollars from the water board's budget for the core regulatory programs and substitute additional fee revenues. As a result, the FY 2002-03 funding allocation for the core regulatory programs is made up of 59 percent fees, 27 percent General Fund and 14 percent federal and other funds. In Fall, 2002 the State Board adopted a revised fee schedule, significantly increasing fees for many dischargers, to generate the increased revenue.

In response to the current state budget problems, the Governor's Fiscal Year 2003-04 budget proposal included elimination of the remaining General Fund dollars from the water board's core regulatory programs and substituting yet additional fee revenue. This proposal was approved by the Legislature with the passage of AB1X 10. The Governor recently signed AB1X 10. As a result, the board-wide funding allocation for the core regulatory programs for Fiscal Year 2003-04 will be made up of 85 percent fees and 15 percent federal and other funds. Under AB1X 10, the State Board is to develop a revised fee schedule to generate the increased revenue. AB1X10 also eliminated a \$20,000 cap on fees that was in place and eliminated a \$2000 one-time fee and exemption from annual fees for dairies and other confined animal feeding/holding operations.

The fee increase that was imposed in FY 2002-03 impacted the minor (with respect to potential impact on water quality) dischargers more than the major ones. This occurred because of the \$20,000 cap on annual fees - most of the major dischargers were already at the cap. In February, 2003 (prior to passage of AB1X 10), the State Board formed an internal workgroup and began to work with a group of stakeholders to devise a proposed fee structure that would be more equitable and less complex. With the passage of AB1X 10 the work with the stakeholders group will focus on a proposed fee structure that will also generate the required additional revenue.

The State Board must adopt the revised fee structure. The input from the stakeholders group will be considered during the hearing process. A firm schedule has not been set. However, at least one hearing in the North and one in the South part of the state is being considered.